

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

DIRK KEMPTHORNE, et al.,

Defendants.

No. C 08-4594 PJH

**ORDER GRANTING MOTIONS
TO INTERVENE**

Before the court are proposed intervenors Sand City, Sand City Redevelopment Agency, Friends of Oceano Dunes, Inc., Oxfoot Associates, LLC and Security National Guaranty, Inc.'s (collectively "intervenor-applicants") motions to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure. Intervenor-applicants argue that they should be granted intervention as a matter of right under Rule 24(a)(2) or, alternatively, that they should be granted permissive intervention under Rule 24(b)(1). Neither plaintiff nor federal defendants oppose the motions.

Having carefully read the parties' papers and considered their arguments and the relevant legal authority, the court concludes that intervenor-applicants have met both standards and therefore grants the motions to intervene. However, in line with the Supreme Court's discussion in Stringfellow v. Concerned Neighbors in Action, 480 U.S. 370, 375-76 (1987), the court finds that limits should be placed on intervenor-applicants' participation in this action. Specifically, the court finds that it is appropriate to limit intervenor-applicants' discovery and motion practice to non-duplicative issues. As such, there shall be no discovery propounded by intervenor-applicants that duplicates discovery propounded by federal defendants. Nor shall there be motions or oppositions filed by intervenor-applicants on the same issues as federal defendants, unless there is something

1 else to say about those issues. Additionally, all intervenor-applicants must file consolidated
2 motions and oppositions. To ensure that duplicative work is not performed, intervenor-
3 applicants shall consult with federal defendants before filing motions, oppositions or
4 propounding discovery.

5 Accordingly, intervenor-applicants' unopposed motions to intervene are GRANTED,
6 conditioned upon strictly limiting their participation to issues about which they can provide
7 unique information and/or arguments.

8 **IT IS SO ORDERED.**

9 Dated: January 27, 2009



PHYLLIS J. HAMILTON
United States District Judge